



PTO/SB/21 (09-04)

JFW

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/612,239
Filing Date	July 1, 2003
First Named Inventor	KUO, ERIC
Art Unit	3732
Examiner Name	Wilson, John J.
Attorney Docket Number	018563-006700US

**ENCLOSURES** (Check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Supplemental Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>PTO/SB/08A & PTO/SB/08B<br>110 Reference Copies<br>IDS Pursuant to MPEP §2001.06<br>Exhibit Binder (A-J) |
|--|---|--|

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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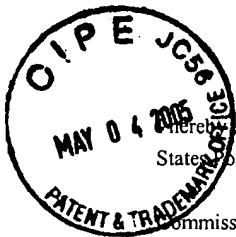
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	James M. Heslin		
Date	April 21, 2005	Reg. No.	29,541

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Tiffany Wu	Date	April 22, 2005



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PATENT  
Attorney Docket No.: 018563-006700US  
Client Reference No.: AT-00122

On 4/22/05

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]  
Tiffany Wu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ERIC KUO

Application No.: 10/612,239

Filed: July 1, 2003

For: DENTAL APPLIANCE  
SEQUENCE ORDERING SYSTEM  
AND METHOD

Customer No.: 46718

Confirmation No.: 3324

Examiner: WILSON, JOHN J

Technology Center/Art Unit: 3732

**INFORMATION DISCLOSURE  
STATEMENT PURSUANT  
TO MPEP §2001.06(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants wish to make the following documents of record in the above-referenced patent application. A copy of each of these documents accompanies this Statement as an Exhibit.

1. A Declaration of Dr. Richard Ridgley concerning his uncorroborated use of retainers for moving teeth. Dr. Ridgley has given testimony under seal in ORMCO CORPORATION v. ALIGN TECHNOLOGY, INC., United States District Court, Central District of California, Southern Division, Case No. SACV.

Align Technology is the assignee of the above-referenced patent application.

**(Exhibit A)**

2. A transcript of the deposition of Lloyd Truax, D.D.S., in the Ormco v. Align Technology litigation, concerning his work in using retainers for moving teeth.

**(Exhibit B)**

3. A transcript of the deposition of Kevin Truax in the Ormco v. Align Technology litigation concerning work he did with Lloyd Truax. **(Exhibit C)**

4. Documents produced in the Ormco v. Align Technology litigation by Lloyd and Kevin Truax concerning Lloyd Truax's work in using retainers for moving teeth.

**(Exhibit D)**

5. A transcript of the deposition of Michael David Rains, D.D.S., in the Ormco v. Align Technology litigation concerning his work in using retainers for moving teeth. **(Exhibit E)**

6. A transcript of the deposition of Guadalupe Nieto in the Ormco v. Align Technology litigation concerning work she did with Michael David Rains.

**(Exhibit F)**

7. Documents produced in the Ormco v. Align Technology litigation by Michael David Rains concerning his work in using retainers for moving teeth.

**(Exhibit G)**

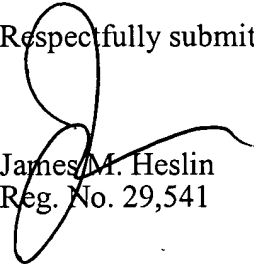
8. An Order from the Ormco v. Align Technology litigation finding that claims 1-3 and 11-13 of U.S. Patent 6,398,548 and claims 1-3 and 7-8 of U.S. Patent No. 6,554,611, are invalid. **(Exhibit H)**

9. U.S. 6,398,548 **(Exhibit I)**

10. U.S. 6,554,611 **(Exhibit J)**

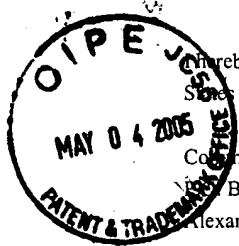
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
Attachments: *Exhibits A-J*  
JMH:jke  
60473320 v1



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P.O. Box 1450  
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PATENT  
Attorney Docket No.: 018563-006700US  
Client Reference No.: AT-00122

On 4/22/05

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]  
Tiffany Wu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ERIC KUO

Application No.: 10/612,239

Filed: July 1, 2003

For: DENTAL APPLIANCE  
SEQUENCE ORDERING SYSTEM  
AND METHOD

Customer No.: 46718

Examiner: Wilson, John

Art Unit: 3732

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

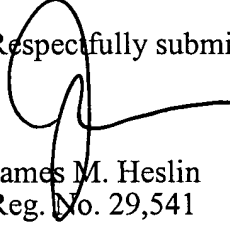
Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [excluding cited U.S. Patents, U.S. Patent Application publications, and appropriate IFW-stored, pending U.S. Patent Applications and portions thereof, per 1287 OG 163] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

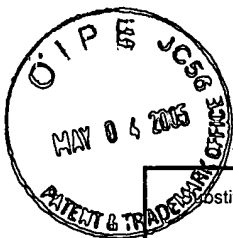
Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

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60473211 v1



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/612,239
		Filing Date	July 1, 2003
		First Named Inventor	KUO, ERIC
		Art Unit	3732
Sheet 1	of 10	Examiner Name	Wilson, John
		Attorney Docket Number	018563-006700US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	1	2,467,432	04-19-1949	Kesling	
	2	3,660,900	05-09-1972	Andrews	
	3	3,860,803	01-14-1975	Levine	
	4	3,916,526	11-04-1975	Schudy	
	5	3,950,851	04-20-1976	Bergersen	
	6	4,014,096	03-29-1977	Dellinger	
	7	4,195,046	03-25-1980	Kesling	
	8	4,324,546	04-13-1982	Heitlinger et al.	
	9	4,348,178	09-07-1982	Kurz	
	10	4,478,580	10-23-1984	Barrut	
	11	4,504,225	03-12-1985	Yoshii	
	12	4,505,673	03-19-1985	Yoshii	
	13	4,575,805	03-11-1986	Moermann, et al.	
	14	4,611,288	09-09-1986	Duret et al.	
	15	4,656,860	04-14-1987	Orthuber et al.	
	16	4,663,720	05-05-1987	Duret et al.	
	17	4,742,464	05-03-1988	Duret et al.	
	18	4,763,791	08-16-1988	Halverson et al.	
	19	4,793,803	12-27-1988	Martz	
	20	4,837,732	06-06-1989	Brandestini et al.	
	21	4,850,864	07-25-1989	Diamond	
	22	4,936,862	06-26-1990	Walker et al.	
	23	4,937,928	07-03-1990	Van Der Zel	
	24	4,964,770	10-23-1990	Steinbichler et al.	
	25	4,975,052	12-04-1990	Spencer et al.	
	26	5,011,405	04-30-1991	Lemchen	
	27	5,017,133	05-21-1991	Miura	
	28	5,027,281	06-25-1991	Rekow et al.	
	29	5,100,316	03-31-1992	Wildman	
	30	5,121,333	06-09-1992	Riley et al.	
	31	5,128,870	07-07-1992	Erdman et al.	
	32	5,131,843	07-21-1992	Hilgers et al.	
	33	5,131,844	07-21-1992	Marinaccio et al.	
	34	5,139,419	08-18-1992	Andreiko et al.	
	35	5,184,306	02-02-1993	Erdman et al.	
	36	5,257,203	10-26-1993	Riley et al.	
	37	5,273,429	12-28-1993	Rekow et al.	
	38	5,278,756	01-11-1994	Lemchen et al.	
	39	5,338,198	08-16-1994	Wu et al.	
	40	5,340,309	08-23-1994	Robertson	
	41	5,342,202	08-23-1994	Deshayes	
Examiner Signature		Date Considered			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>	
			Application Number	10/612,239
			Filing Date	July 1, 2003
			First Named Inventor	KUO, ERIC
			Art Unit	3732
Examiner Name	Wilson, John			
Sheet <b>2</b>	of <b>10</b>	Attorney Docket Number	018563-006700US	

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	42	5,368,478	11-29-1994	Andreiko et al.	
	43	5,382,164	01-17-1995	Stern	
	44	5,395,238	03-07-1995	Andreiko et al.	
	45	5,431,562	11-11-1995	Andreiko et al.	
	46	5,440,496	08-08-1995	Andersson et al.	
	47	5,447,432	09-05-1995	Andersson et al.	
	48	5,452,219	09-19-1995	Dehoff et al.	
	49	5,454,717	10-03-1995	Andreiko et al.	
	50	5,456,600	10-10-1995	Andreiko et al.	
	51	5,474,448	12-12-1995	Andreiko et al.	
	52	5,518,397	05-21-1996	Andreiko et al.	
	53	5,533,895	07-09-1996	Andreiko et al.	
	54	5,542,842	08-06-1996	Andreiko et al.	
	55	5,549,476	08-27-1996	Stern	
	56	5,587,912	12-24-1996	Andersson et al.	
	57	5,605,459	02-25-1997	Kuroda et al.	
	58	5,607,305	03-04-1997	Andersson et al.	
	59	5,645,421	07-08-1997	Slootsky	
	60	5,655,653	08-12-1997	Chester	
	61	5,683,243	11-04-1997	Andreiko et al.	
	62	5,733,126	03-31-1998	Andersson et al.	
	63	5,740,267	04-14-1998	Echerer et al.	
	64	5,975,893	11-02-1999	Chishti et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	65	EP	0091876	A1	10-19-1983	Duret		<input checked="" type="checkbox"/>
	66	EP	0299490	A2	01-18-1989	Steinbichler et al.		<input checked="" type="checkbox"/>
	67	EP	0376873	A2	07-04-1990	Shafir		<input type="checkbox"/>
	68	EP	0490848	A2	06-17-1992	Nobelpharma AB.		<input type="checkbox"/>
	69	EP	0541500	A1	06-12-1998	Nobelpharma AB		<input type="checkbox"/>
	70	EP	0731673	B1	09-18-1998	Andersson et al.		<input type="checkbox"/>
	71	EP	0774933	B1	05-28-1997	Oden et al.		<input type="checkbox"/>
	72	FR	2652256	A1	03-29-1991	Jourda		<input checked="" type="checkbox"/>
	73	FR	2369828	A1	06-02-1978	Suyehiro		<input checked="" type="checkbox"/>
	74	WO	90/08512	A1	08-09-1990	Dolphin Imaging Systems		<input type="checkbox"/>
	75	WO	91/04713	A1	04-18-1991	Jourda et al.		<input type="checkbox"/>
Examiner Signature					Date Considered			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>		<b>Complete if Known</b>			
		Application Number	10/612,239		
		Filing Date	July 1, 2003		
		First Named Inventor	KUO, ERIC		
		Art Unit	3732		
		Examiner Name	Wilson, John		
Sheet	3	of	10	Attorney Docket Number	018563-006700US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				
	76	WO	94/10935	A1	05-26-1994	Ormco Corporation		<input type="checkbox"/>
	77	WO	98/44865	A1	10-15-1998	Nobel Biocare		<input type="checkbox"/>
	78	WO	98/58596	A1	12-30-1998	Align Technology		<input type="checkbox"/>

Examiner Signature		Date Considered	
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60473211 v1

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/612,239		
		Filing Date	July 1, 2003		
		First Named Inventor	KUO, ERIC		
		Art Unit	3732		
		Examiner Name	Wilson, John		
Sheet	4	of	10	Attorney Docket Number	018563-006700US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	79	ALEXANDER et al., "The DigiGraph Work Station Part 2, Clinical Management," <i>JCO</i> (July 1990), pp. 402-407.	
	80	ALTSCHULER et al., "Measuring Surfaces Space-Coded by a Laser-Projected Dot Matrix," <i>SPIE Imaging Applications for Automated Industrial Inspection and Assembly</i> , vol. 182 (1979), p. 187-191.	
	81	ALTSCHULER et al., "Analysis of 3-D Data for Comparative 3-D Serial Growth Pattern Studies of Oral-Facial Structures," IADR Abstracts, Program and Abstracts of Papers, 57th General Session, IADR Annual Session, March 29, 1979 - April 1, 1979, New Orleans Marriot, <i>Journal of Dental Research</i> , Vol. 58, January, 1979, Special Issue A, p. 221.	
	82	ALTSCHULER et al., "Laser Electro-Optic System for Rapid Three-Dimensional (3D) Topographic Mapping of Surfaces," <i>Optical Engineering</i> , Vol. 20(6) (1981), pp. 953-961.	
	83	ALTSCHULER, "3D Mapping of Maxillo-Facial Prosthesis," AADR Abstract #607, 1980, 1 page total..	
	84	American Association for Dental Research, Summary of Activities, March 20-23, 1980, Los Angeles, CA, p. 195.	
	85	ANDERSSON et al., "Clinical Results with Titanium Crowns Fabricated with Machine Duplication and Spark Erosion," <i>Acta Odontological Scandinavia</i> , vol. 47 (1989), pp. 279-286.	
	86	BAUMRIND et al., "A Stereophotogrammetric System for the Detection of Prosthesis Loosening in Total Hip Arthroplasty", NATO Symposium on Applications of Human Biostereometrics, July 9-13, 1978," <i>SPIE</i> Vol. 166, pp. 112-123.	
	87	BAUMRIND et al., "Mapping the Skull in 3-D, Reprinted from The Journal, <i>California Dental Association</i> , Vol. 48, No. 2 (1972 Fall Issue) 11 pages total.	
	88	BAUMRIND, "A System for Craniofacial Mapping Through the Integration of Data from Stereo X-Ray Films and Stereo Photographs," An invited paper submitted to the 1975 American Society of Photogram. Symposium on Close-Range Photogram. Systems, University of Ill., Aug. 26-30, 1975, pp. pp.142-166.	
	89	BAUMRIND, "Integrated Three-Dimensional Craniofacial Mapping: Background, Principles, and Perspectives," <i>Seminars in Orthodontics</i> , Vol. 7, No. 4 (Dec. 2001), pp. 223-232.	
	90	BEGOLE et al., "A Computer System for the Analysis of Dental Casts," <i>The Angle Orthodontist</i> , Vol. 51 No. 3 (July 1981), pp. 253-259.	
	91	BERNARD et al., "Computerized Diagnosis in Orthodontics for Epidemiological Studies: A Progress Report", Abstracts of Papers, <i>Journal of Dental Research</i> ; Vol. 67, Special Issue March 9-13, 1988, p.169.	
	92	BHATIA et al., "A Computer-Aided Design for Orthognathic Surgery," <i>British Journal of Oral and Maxillofacial Surgery</i> , Vol. 22 (1984), pp. 237-253.	
Examiner Signature		Date Considered	

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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			Examiner Name	Wilson, John	
Sheet	5	of	10	Attorney Docket Number	018563-006700US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	93	BIGGERSTAFF et al., "Computerized Analysis of Occlusion In The Postcanine Dentition," <i>American Journal of Orthodontics</i> , Vol. 61, No. 3 (Mar. 1972), pp. 245-254.	
	94	BIGGERSTAFF, "Computerized Diagnostic Setups and Simulations," <i>The Angle Orthodontist</i> , Vol. 40, No. 1 (Jan. 1970), pp. 28-36.	
	95	BOYD et al., "Three Dimensional Diagnosis and Orthodontic Treatment of Complex Malocclusions With the Invisalign Appliance," <i>Seminars in Orthodontics</i> , Vol. 7, No. 4 (Dec. 2001), p. 274-293.	
	96	BRANDESTINI et al., "Computer Machined Ceramic Inlays: In Vitro Marginal Adaptation," <i>Journal of Dental Research</i> , Vol. 64/Special Issue/Abstracts, IADR/AADR Abstracts 1985, p. 208	
	97	BROOK et al., "An Image Analysis System for the Determination of Tooth Dimensions from Study Casts: Comparison with Manual Measurements of Mesio-distal Diameter," <i>J Dent Res.</i> , Vol. 65, No. 3, March 1986, pp. 428-431.	
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			Art Unit	3732	
			Examiner Name	Wilson, John	
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